

**U.S. District Court  
Northern District of Texas (Dallas)  
CRIMINAL DOCKET FOR CASE #: 3:15-mj-00832-BN-1**

Case title: USA v. Rodriguez

Date Filed: 11/16/2015

Other court case number: 4:14-cr-173 Eastern District of  
Texas

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Assigned to: Magistrate Judge  
David L Horan

**Defendant (1)**

**Juan Jose Rodriguez**

represented by **Mark A Perez**  
Mark A Perez PC  
3500 Maple Avenue, Suite 400  
Dallas, TX 75219  
214/752-0505  
Fax: 214/845-7006  
Email: [perezlaw@swbell.net](mailto:perezlaw@swbell.net)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*  
*Bar Status: Admitted/In Good Standing*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

**Disposition**

O/D Superseding Indictment,  
charging defendant with  
conspiracy to distribute and  
possess with intent to distribute  
cocaine, in violation of 21 USC  
846

**Plaintiff****USA**

Date Filed	#	Page	Docket Text
11/16/2015			Arrest (Rule 5) of Juan Jose Rodriguez. Case Number 4:14-cr-173 from Eastern District of Texas. (mcrd) (Entered: 11/16/2015)
11/16/2015	<u>1</u>	3	Minute Entry for proceedings held before Magistrate Judge David L Horan: Initial Appearance as to Juan Jose Rodriguez held on 11/16/2015. Deft waived identity hearing. Bond set to PR, deft advised of conditions of release. Attorney Appearances: AUSA – Lea Carlisle; Defense – Mark Perez. (Court Reporter: Digital File) (No exhibits) Time in Court – :08. (mcrd) (Entered: 11/17/2015)
11/16/2015	<u>2</u>	4	ENTRY OF APPEARANCE OF COUNSEL by Mark A Perez appearing for Juan Jose Rodriguez (mcrd) (Entered: 11/17/2015)
11/16/2015	<u>3</u>	5	WAIVER of Rule 5 Hearings by Juan Jose Rodriguez (mcrd) (Entered: 11/17/2015)
11/16/2015	<u>4</u>	6	ORDER Setting Conditions of Release as to Juan Jose Rodriguez (1) Bond set to PR. (Ordered by Magistrate Judge David L Horan on 11/16/2015) (mcrd) (Entered: 11/17/2015)
11/16/2015	<u>5</u>	9	Report of Proceedings under Rule 5(c)(3) and 5.1 as to Juan Jose Rodriguez. Defendant is released from custody on bond pending further proceedings. Paperwork sent to Eastern District of Texas. (Ordered by Magistrate Judge David L Horan on 11/16/2015) (mcrd) (Entered: 11/17/2015)

**NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

JUDGE: DAVID L. HORAN	
DEPUTY CLERK: Vila Fisher	COURT REPORTER/TAPE NO: FTR
LAW CLERK:	USPO/PTSO:
INTERPRETER:	COURT TIME: 2:45 - 2:53
A.M.	DATE: November 16, 2015
P.M.	

☐ MAG. NO. ☐ DIST. CR. NO. 3:15-mj-00832-BN \*SEALED\* USDJ Magistrate Judge David L Horan

UNITED STATES OF AMERICA

v.

JUAN JOSE RODRIGUEZ (1)

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§

LEA CAMISLE, AUSA

MARK PEREZ  
COUNSEL FOR DEFENDANTS APPT - (A), Retd - (R), FPD - (F)

☒ INITIAL APPEARANCE ☐ IDENTITY ☐ BOND HEARING ☐ PRELIMINARY HEARING  
☐ DETENTION HEARING ☐ COUNSEL DETERMINATION HEARING ☐ REMOVAL HEARING ☐ EXTRADITION HEARING  
☐ HEARING CONTINUED ON \_\_\_\_\_ CASE NO. \_\_\_\_\_ ☐ OTHER DISTRICT ☐ DIVISION  
☒ DATE OF FEDERAL ARREST/CUSTODY: 11/16/2015 ☐ SURRENDER \_\_\_\_\_ ☐ RULE 5/32 ☐ APPEARED ON WRIT  
☐ DEFT FIRST APPEARANCE. DEFT ADVISED OF RIGHTS/CHARGES ☐ PROBATION/SUPERVISED RELEASE VIOLATOR  
☐ DEFT FIRST APPEARANCE WITH COUNSEL.

☒ DEFT ☐ MW (MATERIAL WITNESS) \_\_\_\_\_ APPEARED ☒ WITH ☐ WITHOUT COUNSEL

☐ REQUESTS APPOINTED COUNSEL.

☐ FINANCIAL AFFIDAVIT EXECUTED.

☐ ORDER APPOINTING FEDERAL PUBLIC DEFENDER.

☐ PRIVATE COUNSEL APPOINTED

☒ DEFT HAS RETAINED COUNSEL MARK PEREZ

☐ ARRAIGNMENT SET ☐ DETENTION HEARING SET \_\_\_\_\_

☐ PRELIMINARY HEARING SET \_\_\_\_\_ ☐ BOND HEARING SET \_\_\_\_\_

☐ COUNSEL DETERMINATION HEARING SET \_\_\_\_\_

☐ IDENTITY/REMOVAL HEARING SET \_\_\_\_\_

☒ BOND ☒ SET ☐ REDUCED TO \$ \_\_\_\_\_ ☐ CASH ☐ SURETY ☐ 10% ☒ PR ☐ UNS ☐ 3RD PTY ☐ MW

☐ NO BOND SET AT THIS TIME, \_\_\_\_\_ DAY DETENTION ORDER TO BE ENTERED.

☐ ORDER OF TEMPORARY DETENTION/COMMITMENT PENDING HEARING ENTERED.

☐ ORDER OF DETENTION PENDING TRIAL ENTERED.

☒ DEFT ADVISED OF CONDITIONS OF RELEASE.

☐ BOND EXECUTED ☐ DEFT ☐ MW RELEASED ☐ STATE AUTHORITIES ☐ INS

☐ DEFT ☐ MW REMANDED TO CUSTODY.

☐ DEFT ORDERED REMOVED TO ORIGINATING DISTRICT.

☒ WAIVER OF ☐ PRELIMINARY HEARING ☒ RULE 5/32 HEARING ☐ DETENTION HEARING

☐ COURT FINDS PROBABLE CAUSE ☐ ID ☐ PC.

☐ DEFT FAILED TO APPEAR. ORAL ORDER FOR ISSUANCE OF BENCH WARRANT.

☐ GOVERNMENT TO NOTIFY FOREIGN CONSULAR.

☐ REMARKS: \_\_\_\_\_

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**

NOV 16 2015

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy VK

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

JUAN JOSE RODRIGUEZ (1)

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Case No. 3:15-mj-00832-BN \*SEALED\*

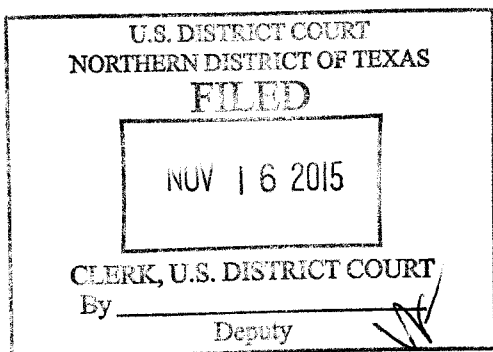
ENTRY OF APPEARANCE OF COUNSEL

I wish to enter my appearance as **retained** counsel for the above-named defendant(s) in this cause.

I understand that it is my duty to continue to represent the named defendant(s) in connection with all matters relating to this case, and in connection with all proceedings therein in this Court; to assist him with any appeal which he desires to perfect, and to represent him on appeal until a final judgment has been entered; unless and until, after written motion filed by me, I am relieved by Order of the Court.

In all cases an arraignment is scheduled promptly after the return or filing of an indictment or information, at which time the defendant must enter a plea. Your attention is directed to Rule 12, Federal Rules of Criminal Procedure, pertaining to pretrial motions.

DATED: 16<sup>th</sup> day of November, 2015.



(Attorney Signature)

Mark A. Perez

(Attorney Name - Please Print)

15777750

(Attorney Bar Number)

3500 Maple Ave

Ste 400, Dallas 75219

(Address)

214 752-0505

(Phone No. including area code)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

§ Case No. 3:15-mj-00832-BN \*SEALED\*

v.

JUAN JOSE RODRIGUEZ (1)

§ Charging District's Case No. 4:14-cr-173

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)

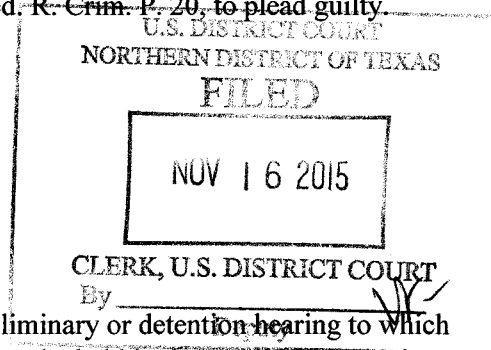
I understand that I have been charged in another district, the (name of other court) Eastern District of Texas.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.



I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

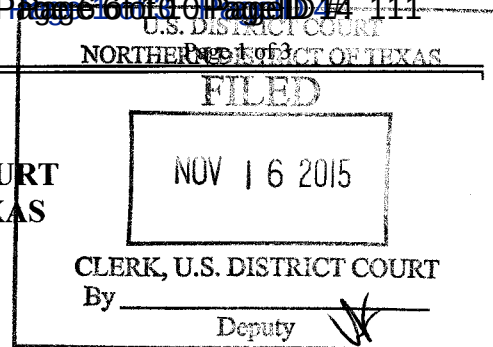
Date: 16<sup>th</sup> day of November, 2015

Defendant's Signature

Signature of defendant's attorney

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

JUAN JOSE RODRIGUEZ (1)

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Case No. 3:15-mj-00832-BN \*SEALED\*

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: as directed.  
1100 Commerce St. Dallas, TX 75242 as directed  
Place/Date/Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

### ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:  
 Person or organization \_\_\_\_\_  
 Address (only if above is an organization) \_\_\_\_\_  
 City and state \_\_\_\_\_ Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed:

Custodian

Date

- ☒ (7) The defendant must:
- ☒ (a) submit to supervision by and report for supervision to the Supervising Officer  
 telephone number 214/753-2500, no later than 11/16/15.
  - ☒ (b) continue or actively seek employment.
  - ☐ (c) continue or start an education program.
  - ☐ (d) surrender any passport to:
  - ☒ (e) not obtain a passport or other international travel document.
  - ☐ (f) abide by the following restrictions on personal association, residence, or travel:
  - ☒ (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or Prosecution, including: co-defendants
  - ☐ (h) get medical or psychiatric treatment:
  - ☐ (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes:
  - ☐ (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
  - ☒ (k) not possess a firearm, destructive device, or other weapon.
  - ☒ (l) not use alcohol ☐ at all ☒ excessively.
  - ☒ (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed to defendant by a licensed medical practitioner.
  - ☒ (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
  - ☐ (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
  - ☐ (p) participate in one of the following location restriction programs and comply with its requirements as directed
    - ☐ (i) **Curfew.** You are restricted to your residence every day ☐ from \_\_\_\_\_ to \_\_\_\_\_, or ☐ as directed by the pretrial services office or supervising officer; or
    - ☐ (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
    - ☐ (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
  - ☐ (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
  - ☐ (r) you must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services or supervising officer.
  - ☒ (s) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
  - ☐ (t)



## ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (i.e., in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

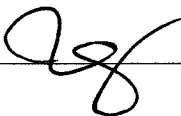
If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

### Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

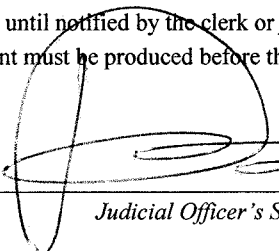
  
 Defendant's Signature

1010 Quail Run Duncenville TX 75116  
 City and State

### Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 11/16/15

  
 Judicial Officer's Signature

DAVID L. HORAN, U.S. MAGISTRATE

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

UNITED STATES OF AMERICA

§ Case No. 3:15-mj-00832-BN \*SEALED\*

v.

§ Other Dist. Docket No. 4:14-cr-173

JUAN JOSE RODRIGUEZ (1)

§ Charge Pending:

§ Eastern District of Texas

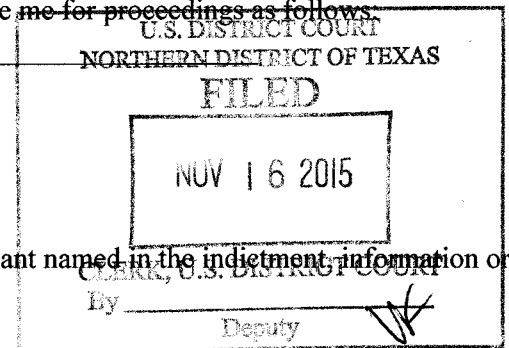
§ Sherman Division

**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1  
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with the offense of 21 USC 846. Having been arrested in this district on a warrant issued on that/those charge(s), he/she appeared before me for proceedings as follows:

**Rule 5(c)(3) Transfer**

- ☒ The government has produced a copy of the warrant, and
- ☒ The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:
- ☒ The defendant waived identity hearing.
- ☐ An identity hearing was conducted, and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.

**Rule 5.1: Preliminary Hearing**

- ☒ No preliminary hearing is necessary because the defendant is charged by indictment.
- ☐ The defendant waived a preliminary hearing.
- ☐ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
- ☐ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
- ☐ There is probable cause to believe that the defendant committed the offense(s) charged.
- ☐ There is NOT probable cause to believe that the defendant committed the offense(s) charged.

**Rule 5(d)(3) Detention Hearing**

- ☒ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing.

- ☐ The defendant elected to have a detention hearing in the district where the prosecution is pending.
  - ☐ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
    - ☐ The defendant should be detained.
    - ☐ The defendant should be released on bond.
- 

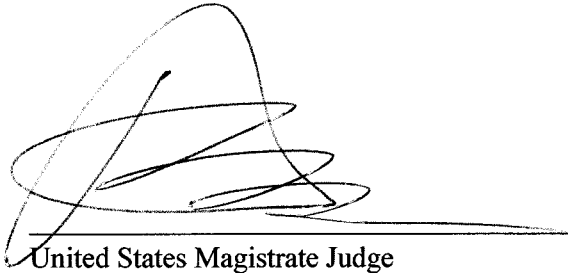
**ORDER ENTERED ON THE FOREGOING REPORT**

TO: UNITED STATES MARSHAL

- ☐ You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- ☒ It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- ☐ It is ORDERED that this defendant be discharged.

DATE: 16<sup>th</sup> day of November, 2015

(Use Other Side for Return)

  
United States Magistrate Judge